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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/073,748	05/06/1998	CRAIG DAVID WEISSMAN	119645-00103.12	1160
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BLANK ROME LLP ONE LOGAN SQUARE PHILADELPHIA, PA 19103			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3696	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/073,748

Applicant(s)

WEISSMAN ET AL.

Examiner

Ella Colbert

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 133, 134, 136-142, 144-150 and 152-189 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 133, 134, 136-142, 144-150 and 152-189 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 133, 134, 136-142, 144-150, and 152-189 are pending. Claims 133, 134, 137-141, 148, 149, 156-167, 169, 171-175, 180, 181, and 187-189 have been amended in this communication filed 03/06/09 entered as Amendment with RCE.
2. The 35 USC 112, second paragraph rejection for claims 133, 134, 136-138, 140-142, 144-148, 150, 152-154, 156-172, 174-179, 181-186, 188, and 189 still remain as set forth her below.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/06/09 has been entered.

Specification

The specification is objected to because on page 11, line 10, reciting "are set up, and a query mechanism is generated". It is unclear whether the term "and" is supposed to be in that sentence or did Applicants' mean something else?. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 133, 134, 136-138, 140-142, 144-146, 148-150, 152-154, 156-172, 174-179, 181-186, 188, and 189 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 133 recites "providing a metadata system that includes a metadata schema, a facility for entering instructions into the metadata schema, and ..."; Receiving instructions including semantic definitions from a user, wherein the instructions including semantic definitions; and generating the business database system automatically using the semantic definitions of the instructions ...". It is unclear, vague, and indefinite as to what "instructions" are being referenced. Do Applicants' mean "instructions for generating one or more database systems" or something else?

Claim 134 recites "generating tables automatically according to the instructions". This claim limitation is unclear, vague, and indefinite because it cannot be determined what instructions are being referenced. Do Applicants' mean the "instructions are semantic definitions" or something else? Claims 36-138, 140-142, 144-146, 148-150, 152-154, 156-172, 174-179, 181-186, 188, and 189 have a similar problem.

Applicants' are respectfully requested to point out where a business database system is found in the specification. There is nothing found in the specification that references a business database system. There are elements that might suggest a

business database system but nothing specific referencing a business database system as such.

"An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed ...". *In re Zletz* 13 USPQ2d 1320 (Fed. Cir. 1989).

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Applicants' method for "generating the business database system automatically using the semantic definitions, whereby the business database system is well-formed in claims 133, 140, 141, 148, 149, 156, 163, and 166 and computer system, and computer readable storage medium for "automatically generating the business database system using the semantic definitions, whereby the business database system is well-formed" in claims 141, 148, 149, and 156 with the other claim limitations would be allowable once the claim objections are overcome and the claim rejection for claim 166 is resolved and if there is no new art found to reject the claims after an updated search has been performed.

Conclusion: The Examiner apologizes for the delay in issuing the application. However, these issues need to be resolved prior to issue of the application.

Response to Arguments

Applicant's arguments filed 03/06/09 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: The Examiner rejects claim 133 as being unclear, vague, and indefinite as to what "instructions" are being referenced in the claim and the Examiner inquires whether the Applicants' are referring to "instructions for generating one or more database systems or something else"? As discussed in the interview, it was agreed the meaning is "instructions for generating one or more databases". Also, the Examiner rejects claim 134 as being unclear, vague and indefinite as to what "instructions" are being referenced in the claim and the Examiner inquires whether the Applicants' are referring to "semantic definitions or something else"? The record illustrates that the term "instructions" is properly defined within the application for support in the claims has been considered but is not persuasive.

Response: The Examiner respectfully disagrees that the claims particularly point out and distinctly claim the subject matter of the invention. Resort can be had to case law as follows: "However, the written description is not a substitute for, nor can it be used to rewrite the chosen claim language. Though understanding the claim language may be aided by the explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment. *Resonate Inc. v. Alteon Websystems, Inc.*, 67 USPQ2d 1771 (Fed. Cir. 2003).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Issue no. 2: Applicants' argue: The Examiner objects to the Specification because on page 11, line 10, it is unclear whether the term "and" is supposed to be in the sentence. As agreed in the Interview the term "and" should be "and" and this is a typographical error and Applicants' suggest it be amended by Examiner's amendment has been considered but due to the other rejections still standing, Applicants' are respectfully requested to submit the correction and to review the Specification for any other corrections. Correction is required according to MPEP § 608.01(b).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mukhopadhyay et al (US 6,032,158) disclosed a target table and a data mart and dynamic and static image tables that are staged.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

May 14, 2009